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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/811,654	03/29/2004	Grzegorz Guzik	MS302331.1/MSFTP597US	2418
27195 7590 06/02/2008 AMIN. TUROCY & CALVIN, LLP 24TH FLOOR, NATIONAL CITY CENTER 1900 EAST NINTH STREET CLEVELAND, OH 44114			EXAMINER ANDERSON, JOHN A	
			ART UNIT 3696	PAPER NUMBER
			NOTIFICATION DATE 06/02/2008	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b> 10/811,654	<b>Applicant(s)</b> GUZIK ET AL.	
	<b>Examiner</b> JOHN A. ANDERSON	<b>Art Unit</b> 3696	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 March 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>07/02/2004</u> .  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Amendment***

1. In the amendment filed March 17, 2008, the following has occurred: Claims 1-5, 11, 12, 15, 23, 24, 26 and 27 have been amended as shown. Claims 1-30 are currently pending.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:  
  
A person shall be entitled to a patent unless –  
  
(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.
3. Claim 1-8, 10 and 11 are rejected under 35 U.S.C. 102(e) as being anticipated by Thomson et al (PGPUB 2006/0294098).

4. As regards claim 1, Thomson discloses a key performance indicator (KPI) system comprising:
  - a client device user interface component; [009]
  - a processor component that receives KPI identification information from the interface component for one or more KPIs.[,] and generates a KPI document, wherein the KPI document identifies the one or more KPIs to be retrieved based upon identification information received from the interface component and information identifying how to retrieve each KPI: [0054,0070]
  - a query component that employs the KPI document to retrieve KPI information from one or more data stores, generate a result document, and transfer the result document back to the interface component.[0005]
5. As regards claim 2, Thomson discloses wherein the KPI document comprises database name, connection string, and KPI name for each KPI. [0116]
6. As regards claim 3, Thomson discloses wherein the KPI document comprises text and graphical display parameters for each KPI. [0055]
7. As regards claim 4, Thomson discloses wherein the KPI retrieval information includes a filter component specifying a subset of data to be utilized to generate a KPI metric. [0096]

8. As regards claim 5, Thomson discloses wherein the KPI document is encoded as an XML document. [0092]
9. As regards claim 6, Thomson discloses wherein the result document includes KPI values and information regarding KPI graphics. [0042]
10. As regards claim 7, Thomson discloses wherein the result document is an XML document. [0054]
11. As regards claim 8, Thomson discloses wherein the processor component is executed by a computer or server remotely located from the client device. [0054]
12. As regards claim 10, Thomson discloses wherein the data store is a relational database. [0005]
13. As regards claim 11, Thomson discloses wherein the data store is a multidimensional OLAP database. [0052]
14. Claims 12, 13, 23 -30, are rejected under 35 U.S.C. 102(e) as being anticipated by Pokorny et al (PGPUB 2003/0154144 A1).

15. As regards claim 12, Pokorny discloses a key performance indicator system comprising:
- means for receiving -information associated with user desired KPIs from a client device; [0010]
  - means for creating a KPI document based upon the user desired KPIs, wherein the KPI document defines for each KPI: a KPI name, one or more query expressions for retrieving the KPI, a database to query, and display definition for the KPI; [0061,0085,0236]
  - means for utilizing the KPI document to query one or more data stores[[,]] and generate[[ing]] a result document from the query results, and transmitting the result document back to the client device.[0021,0061]
16. As regards claim 13, Pokorny discloses wherein the client device is remote from the one or more data stores. [0056]
17. As regards claim 23, a performance metric methodology comprising:
- receiving data specifying performance indicators of interest;
- generating a KPI document from the received data; [0042]
  - querying at least one remote data store for metric data based upon database connection data from the KPI document; [0061]
  - generating a result document containing metric data for a plurality of columns related to one or more performance indicators. [0009]

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18. As regards claim 24, wherein a KPI document comprises specifying a subset of data to be utilized to generate a performance indicator. [0062]
19. As regards claim 25, Pokorny discloses wherein the KPI document is generated by a client device. [0224]
20. As regards claim 26, wherein the KPI document is utilized to retrieve query expressions for generating performance indicator metrics, wherein the query expressions are stored in a database. [0005]
21. As regards claim 27, wherein the KPI document specifies display definitions for one or more performance indicators. [0056]
22. As regards claim 28, Pokorny discloses wherein the result document is specified utilizing XML. [0285]
23. As regards claim 29, Pokorny discloses transmitting the result document to a client application. [0248]
24. As regards claim 30, Pokorny discloses a computer readable medium having stored thereon computer executable instructions for carrying out the method of claim 23. [0260]

***Claim Rejections - 35 USC § 102***

25. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:
- A person shall be entitled to a patent unless –
- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
26. Claims 14, 16-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Underwood R, (US Pat No.: 6,718,535).
27. As regards claim 14, Underwood discloses a key performance indicator system comprising: [column 303, lines 3-6]. Underwood also discloses a client device user interface component; a processor component adapted to receive KPI identification information from the interface component, retrieve KPI information from one or more data stores generate a result document, and transfer the result document back to the interface component, [Column 2, 8-18].
28. As regards claims 16, and 20 Underwood discloses wherein the KPI document is encoded as an XML document, [column 16, lines 13-17]. The examiner interprets



XML as an application profile of SGML. This means that any fully conformant SGML system will be able to read XML documents.

29. As regards claim 17, Underwood discloses the system of claim 2, wherein the KPI document includes data store connection information and KPI retrieval information. [Column 16, lines 10-14]
30. As regards claims 18 and 19 Underwood discloses wherein the processor component is executed by a computer or server remotely located from the client device. [Column 102, lines 44-54]
31. As regards claim 21, Underwood discloses further comprising transferring the result document to the client device. [Column 2, 16-18]
32. As regards claim 22, Underwood discloses a computer readable medium having stored thereon computer executable instructions for carrying out the method of claim 14. [Column 13, lines 20-25]

***Claim Rejections - 35 USC § 103***

33. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
34. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Thomson et al (PGPUB 2006/0294098) in view of Gelvin et al (US Pat. No.: 6,735,630).
35. As regards claim 9, Thomson discloses the invention can operate in any computer system arrangement including peer-to-peer, standalone, timeshared, application service provider (ASP) or other systems. [0054]
- Thomson does not disclose wherein the client device is one of a mobile phone and a personal digital assistant.
- Gelvin discloses connections to servers 806, database services 820, and other network resources are available, and user 832 can access the network with standard tools. The user or client computer can access the WINS network

continuously or intermittently, and may interface via processors of vastly different capabilities according to a particular application (e.g., personal computers, personal digital assistants (PDAs), or bidirectional pagers) .[column 10 lines 62-05 ]

It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to utilize the teachings of Gelvin in the device of Thomson.

The motivation would have been to provide constant monitoring of events in an environment. [Column 10, lines 1-2]

36. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Underwood R (US Pat. No.: 6718535) in view of Thomson et al (PGPUB 2006/0294098)
37. As regards claim 15, Underwood discloses a client device user interface component; a processor component adapted to receive KPI identification information from the interface component, retrieve KPI information from one or more data stores generate a result document, and transfer the result document back to the interface component, [Column 2, 8-18].

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Underwood does not disclose comprising retrieving query expressions from a data store and utilizing the query expressions to query the data store for one or more KPIs.

Thomson discloses comprising retrieving query expressions from a data store and utilizing the query expressions to query the data store for one or more KPIs.

[0103]

It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to utilize the teachings of Thomson in the device of Underwood.

The motivation would have been to provide a method for presenting data to the user.

### ***Response to Arguments***

38. Applicant's arguments with respect to claims 1-4, 9,11,12,14, 15, and 23, have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOHN A. ANDERSON whose telephone number is (571)270-3327. The examiner can normally be reached on Monday through Friday 8:00 to 5:00 Pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Dixon can be reached on 571-272-6803. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John A Anderson/

Examiner, Art Unit 3696

John A Anderson

Examiner

Art Unit 3696

/J. A. A./

Examiner, Art Unit 3696 5/20/2008

/Daniel S Felten/

Primary Examiner, Art Unit 3696

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